



## U.S. DEPARTMENT of STATE

### Panama

#### Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 6, 2007

Panama, a representative multiparty democracy with an elected executive composed of a president and two vice presidents, has a population of approximately three million. In 2004 national elections, which were considered by international and domestic observers to be generally free and fair, voters elected as president Martin Torrijos of the Democratic Revolutionary Party. The civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, there continued to be serious problems in several areas. The most significant human rights problems included harsh prison conditions, with reports of abuse by prison guards; prolonged pretrial detention; corruption, ineffectiveness, and political manipulation of the judicial system; political pressure on the media; discrimination and violence against women; trafficking in persons; discrimination against indigenous people and other ethnic minorities; and child labor.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

There were no developments concerning the 2004 request of the Fourth Superior Prosecutor that two off-duty Panamanian National Police (PNP) officers be tried for homicide in the 2001 killings of two men whose bodies were found on the beach in Punta Chame.

Pursuant to the country's acceptance of responsibility before the Inter-American Commission on Human Rights (IACHR) for certain crimes committed during the 1968-1989 military dictatorship, the government continued to evaluate these cases on an individual basis. By year's end the government had discussed settlement with two families.

In March the Public Ministry ordered the detention of Ricardo Garibaldo in connection with the 1970 disappearance and death of Heliodoro Portugal, the subject of a 2002 petition before the IACHR. Garibaldo surrendered, was brought to trial, and died on July 6, the day the judge was scheduled to rule on his case.

The Office of Truth Commission Continuation continued its request to the Public Ministry to open or reopen 16 cases and to pursue 17 other cases of killings during the 1968-89 military dictatorship.

###### b. Disappearance

There were no reports of politically motivated disappearances.

In January the attorney general named a temporary prosecutor to follow up on the Office of the Truth Commission Continuation's 2004 request to investigate 33 cases, including the 33 cases that the office had requested the Public Ministry to open or reopen, of killings or disappearances during the 1968-89 military dictatorship. There were no new developments regarding the identification of 16 to 20 human bodies found in 2004 buried in the former penal island of Coiba. The Office of the Truth Commission Continuation and the Public Ministry continued to lack funds to conduct DNA tests to identify the remains, and the area continued to be unguarded by authorities. Due to bureaucratic delays, the Public Ministry did not disburse assigned funds to support excavations and investigations regarding the 1971 disappearance of Colombian-born Catholic priest Hector Gallego. The commission questioned why this particular case received special funding while other cases received no additional resources.

In contrast with 2005 there were no reports from indigenous groups of alleged kidnapping or disappearances due to Colombian insurgents in Darien Province. In January Colombian insurgents kidnapped and later released two Spanish nongovernmental organization (NGO) workers near Jaque in Darien Province.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits treatment or punishment that harms the physical, mental, or moral integrity of persons.

Prison guards sometimes physically abused inmates. As of September the PNP Office of Professional Responsibility (DRPO) had investigated eight cases of police abuse against prison inmates. During the year the Office of the Ombudsman (Defensoria del Pueblo) received 17 complaints of abuse against PNP guards.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and, in some cases, life-threatening. Many of the problems within the prisons continued to be due to overcrowding and lack of separation of inmates according to the type or severity of the crime committed. By year's end the prison system, which had an official capacity of 7,271 persons, held 11,575 prisoners. Most prisons remained dilapidated and overcrowded. Despite the ombudsman's 2004 recommendation that the government begin closing La Chorrera prison due to overcrowding and very unsanitary conditions, it remained open. Abuse by prison guards, both PNP and civilian, was a recurrent problem. Between January and November police officials received and investigated eight cases of alleged abuse by prison guards. DRPO investigations resulted in administrative sanctions against 15 agents. As of December the Public Ministry was considering the prosecution of two superior officers for alleged abuses.

Medical care for prisoners was inadequate. AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population.

The La Joya and La Joyita prisons resolved water shortage problems experienced in 2005. During the year prisoners had access to potable water 24 hours per day. By year's end 18 inmates had died due to various causes including AIDS, suicide, stabbing, heart attack, intoxication, and asphyxiation.

The General Penitentiary Inspection Directorate (DGSP) replaced 22 civilian correction officers who were discharged for corruption.

The DGSP largely depended on 1,200 PNP officers to supply both internal and perimeter security at all prisons. There were 610 custodians for the entire prison system. As in previous years the DGSP continued to use regular PNP officers to fill staffing gaps. PNP officers sometimes were untrained for prison duty. In prisons controlled by the PNP, prisoners complained of ongoing human rights violations, such as limited time outside of cells and limited access to family visits. Civilian custodians handled inmates within Nueva Esperanza, Tinajitas, El Renacer, and the central women's prisons in Panama and Chiriqui provinces. The women's prisons used only female guards. The DGSP did not have authority to discipline prison guards with criminal or civil sanctions but submitted complaints against PNP custodians before the PNP. Only the PNP disciplinary board could sanction a PNP agent or a custodian.

Small jails attached to local police stations around the country sometimes held prisoners for the entire length of their sentences, but police officers who guarded them lacked the necessary custodial training to prevent abuses.

A pilot program for classifying inmates based on type of crime committed, which began in El Renacer in 2005, was extended during the year to Tinajitas, Nueva Esperanza, and the women's prisons in Panama and Chiriqui provinces.

Even though conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons, female prisoners, especially in primary detention areas, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene.

With the exception of one modern facility near Panama City, juvenile pretrial and custodial detention centers throughout the country suffered from inadequate resources to provide for education or supervision.

By year's end 7,153 inmates who had not been convicted remained in prison. Pretrial detainees often shared cells with sentenced prisoners due to lack of space.

In contrast with 2005, there were no reports of independent human rights groups denied or otherwise impeded access to prisons. The ombudsman's office had an established prison visit program, and the government generally allowed ombudsman staff to speak with prisoners without monitoring. Prisoners expressed fear of retaliation if they complained. The NGO Justicia y Paz, the Catholic Church's human rights monitoring group, brought prison abuses to the attention of the authorities.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The law permits exceptions when an officer apprehends a person during the commission of a crime, or when an individual interferes with an officer's actions. The law provides that suspects be brought promptly before a judge. Lack of prompt arraignment, however, continued to be a problem. The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. There is a functioning bail system, and detainees were allowed prompt access to family members. Police arrested and detained children for minor infractions during neighborhood sweeps, but there were no credible statistics reported during the year on the number of children arrested in these operations (see section 5).

#### Role of the Police and Security Apparatus

The Judicial Technical Police (PTJ) and PNP are the only police agencies in the country. Although its primary mission is law enforcement, the PNP was also detailed for prison and border security. The country has no army. The PNP is under the civilian authority of the Ministry of Government and Justice. There were approximately 15,211 police officers. The PTJ, a semiautonomous body with leadership appointed by the Supreme Court of Justice, is a separate branch of law enforcement and perform criminal investigations in support of public prosecutors. The law includes specific guidelines for the use of force, including deadly force; requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior.

Corruption among police officers remained a problem. Although PNP and PTJ directors sometimes enforced disciplinary measures against officers with proven involvement in illicit activities, in general both organizations took corrective actions only in reaction to cases of egregious abuses. In December the attorney general dismissed PTJ Deputy Director General Eric Bravo following a March 2005 request by authorities to dismiss Bravo on charges of manipulating an investigation to favor his personal friends.

The PTJ and the PNP had offices of professional responsibility to act as internal affairs organs for holding officers accountable for their actions. Both had staffs of independent investigators, administrative authority to open internal investigations, and a defined legal process. During the year the PNP increased its internal affairs staffing and trained nine investigators to conduct polygraph examinations.

The PNP's deputy director and the secretary general addressed human rights problems that arose in the police force. Between January and September the PTJ received an average of 26 complaints per month. The human rights ombudsman also received complaints against the police for abuse of authority but did not provide statistics (see section 4). As of December the DRPO had received 1245 complaints against police, including 295 cases of abuse of office or unprofessional behavior and 135 cases of physical mistreatment. Through December the DRPO imposed penalties on 330 officers, including reductions in rank, criminal prosecutions, and dismissals.

By year's end the PNP had removed one officer from his job, and the criminal court had dismissed provisionally charges against three other officers relating to alleged sexual abuse of minors in 2005 in Darien Province. The minors were not in police custody or detention at the time of the alleged abuses (see section 5).

The PTJ received complaints from the public, and officers could make anonymous complaints of corruption and other problems. By the end of the year the PTJ Office of Professional Responsibility had opened 206 new cases. The PTJ dismissed 31 agents, 14 for abandonment of duty, as a result of investigations by its professional responsibility office and the human resources office.

Although the PNP provided some training during the year, including physical tactics training in the use of force, not all PNP staff members were trained in the use of force. All PNP physical tactics trainers received an updated course on the use of non- and less-lethal force. The course was adapted to entry level and in-service PNP training. The ombudsman's office provided human rights and legal training to PNP officers assigned as prison guards.

#### Arrest and Detention

The law provides for judicial review of the legality of detention, mandates the immediate release of any person detained or arrested illegally, and prohibits police from detaining suspects for more than 24 hours without bringing them before a judge. The preliminary investigation phase may last from eight days to two months and the follow-on investigation phase another two to four months, depending on the number of suspects. The courts and the Public Ministry frequently granted extensions of time limits, leaving the accused in detention for long periods without formal charges. Court officials and other observers criticized judges and prosecutors for excessive use of this measure. While the law provides for bail, in practice judges often declined to grant it. Detainees were allowed prompt access to legal counsel and family members, and the government provided indigent defendants with a lawyer.

Extended pretrial detention continued to be a serious human rights problem, due in part to the use of a written inquisitorial system. According to government statistics, approximately 62 percent of prisoners were pretrial detainees. The average period of pretrial custody was 24 months, and pretrial detention in excess of the maximum sentence for the alleged crime was common.

#### e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system was susceptible to corruption and outside influence, including manipulation by other branches of government. The president appoints nine Supreme Court of Justice magistrates to 10-year terms, subject to National Assembly ratification. The Supreme Court of Justice magistrates in turn appoint appellate (Superior Tribunal) judges, who appoint circuit and municipal court judges in their respective jurisdictions. Although these judicial appointments were supposed to be made under a merit-based system, the system was undermined by political influence and undue interference by higher-level judges.

At the local level, mayors appoint administrative judges (corregidores), who exercise jurisdiction over minor civil cases and who hold wide powers to arrest and to impose fines or jail sentences of up to one year. Outside of Panama City, this system had serious shortcomings. Defendants lacked adequate procedural safeguards. Administrative judges usually were not attorneys, had not completed secondary education, and in some cases were corrupt. In practice appeal procedures were nonexistent. Affluent defendants often paid fines while poorer defendants went to jail, contributing to prison overcrowding (see section 1.c.).

#### Trial Procedures

The law provides that all citizens charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding.

Trials are open to the public. The law provides for trial by jury at the defendant's election but only in cases where at least one of the charges is murder. Judges may order the presence of pretrial detainees for the rendering or amplification of statements or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Whereas defendants have the right to be present and to consult with an attorney in a timely manner, the law permits trials without the accused being present under limited circumstances. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have a right of appeal.

The law obliges the government to provide public defenders for the indigent. Many public defenders were appointed late in the investigation, after the prosecutor already had evaluated the bulk of the evidence and decided either to recommend trial or to dismiss the charges. Public defenders' caseloads remained extremely high, averaging over 450 cases per attorney per year. Ten new attorneys were added to the staff during the year, bringing the total number to 47.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The constitution and the judicial code establish an independent judiciary in civil matters. Political manipulation of the judicial system remained a problem, and bureaucratic delays hindered access to judicial and administrative remedies for human rights violations. There were problems in enforcing domestic court orders.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Whereas the law prohibits such actions and the government generally respected these prohibitions, there were complaints that in some cases, law enforcement authorities failed to follow legal requirements and conducted unauthorized searches.

In an effort to prevent unauthorized searches, the Public Ministry maintained a representative to approve searches in each of the PTJ's divisions. The representative approved several searches during the year.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press. In practice individuals generally enjoyed freedom of expression, although there were some attempts to impede it.

The independent media were active and expressed a variety of views without restriction. The government owned one educational television station, SERTV/11, and one radio station, Radio Nacional. The law prohibits newspapers from holding radio and television concessions and vice versa. International media operated freely in the country.

Journalists and press freedom advocacy organizations reported that the government engaged in substantial manipulation of the free flow of information. Journalists alleged that the government purchased advertising space to reward news organizations for publication of stories favorable to the government and withdrew advertising funding from news organizations engaged in unfavorable coverage of the government. There remained pending legal actions against many journalists. The IACHR, the Inter-American Press Association, Reporters Without Borders, and other groups criticized these measures as efforts to censor the press.

The ombudsman office delegate position responsible for freedom of expression and access to information became vacant on February 15. Journalists alleged that the absence of a functioning delegate deprived them of an important advocate. At year's end no progress had been made in 15 libel cases pending against journalists since 2005. There were no new developments in the two-million-dollar civil damage lawsuit filed by Supreme Court Justice Winston Spadafora against El Panama America journalists for defamation of character. Spadafora objected to their reporting of his use of public funds to construct a road near his home.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

##### b. Freedom of Peaceful Assembly and Association

The law provides for the right of freedom of assembly and association and the government generally respected it in practice.

There were no further developments and none were expected regarding cases filed with the Public Ministry relating to alleged police brutality of 22 persons held in detention as a result of a 2004 incident in Bocas del Toro involving attempts by anti-riot police to open roads closed by protesting local residents.

#### c. Freedom of Religion

The law provides for freedom of religion provided that "Christian morality and public order" are respected, and the government generally respected this right in practice.

The law prohibits clerics from holding public office, except as related to social assistance, education, or scientific research. Roman Catholicism enjoyed certain state-sanctioned advantages over other faiths, including the teaching of Catholic theology in public schools. Parents had the right to exempt their children from religious instruction.

The ombudsman received one complaint from a Rastafarian child denied access to public school because of his refusal to cut his hair on religious grounds. The case remained pending at year's end.

#### Societal Abuses and Discrimination

There were no reports of societal abuses, discrimination, or anti-Semitic acts. There was a Jewish population of approximately 10,000 persons.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice. A 9:00 p.m. curfew directed at unaccompanied minors in Panama City and San Miguelito remained in effect.

The law prohibits forced exile, and there were no reports of its use.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. The government sometimes granted refugee status or asylum.

A 1998 decree grants protection to all persons entering the country due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants two months' temporary protection to "displaced persons" in the case of a large influx. In practice the government did not enforce the two-month time limit. The 1998 decree provides for a meeting by the government's refugee commission every three months to determine the status of persons seeking refugee status. The commission met three times during the year and granted asylum to 135 persons. In December the commission granted refugee status to 42 persons from the indigenous Wounaan community who came to the country in May from Colombia's Darien Province.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 901 persons during the year.

According to the Office of the UN High Commission for Refugees (UNHCR), there were 901 displaced Colombians under temporary protective status in the country. Many of them had given birth to children in the country. There often were problems in registering these children as citizens due to lack of documentation. The government did not permit displaced Colombians to move or work outside of their assigned villages. Although the government was reluctant to classify displaced Colombians as refugees, it took some steps with the government of Colombia and UNHCR to regularize the status of these Colombians under other immigration categories. Some of the Colombians had lived in the country for years without formal refugee status. The 901 displaced Colombians who remained in the country informed the government and UNHCR that they did not want to return to Colombia due to family and cultural ties with local communities among whom they lived.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR had a permanent office for the country operating out of Panama City and was granted unimpeded access to refugees and UNHCR project sites.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. The law provides for direct popular election by secret ballot of the president, the vice

president, legislators, and local representatives every five years. Naturalized citizens may not hold certain categories of elective office.

#### Elections and Political Participation

Democratic Revolutionary Party candidate Martin Torrijos won the presidency in 2004 national elections characterized by domestic and international observers as generally free and fair.

The law requires new political parties to meet strict membership and organizational standards to gain official recognition and participate in national campaigns. The law also requires political parties to be structured democratically, permits independents to campaign for the National Assembly, increases the autonomy of the Electoral Tribunal, and limits the immunity of representatives in the National Assembly by permitting the Supreme Court of Justice to prosecute criminal cases against representatives.

Women held 11 of 78 seats in the legislature. There were three women in the 13-member cabinet and two female judges on the Supreme Court of Justice, one of whom was black and appointed as chief justice. The attorney general was a woman.

There were five dedicated seats in the 78-seat legislature to represent the country's recognized indigenous regions. In general deputies in the legislature, the cabinet, and the Supreme Court of Justice did not identify themselves as members of ethnic or racial minorities.

#### Government Corruption and Transparency

According to the NGO Transparency International, a perceived level of serious domestic corruption worsened during the year. Political parties, the National Assembly, police and the judiciary were perceived as the most corrupt government entities.

During the year the attorney general's office and the comptroller general's office implemented broad institutional reforms to improve their capacity to prosecute corruption through a multidisciplinary anticorruption task force.

The transparency law provides public access, including from foreign media, to information from and about public entities, with the exception of cabinet meeting minutes. When requests were denied, the reasons for the denial were given. Requesters can appeal access decisions to the Supreme Court of Justice.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The human rights ombudsman's office had moral but no legal authority. It operated without government or party interference and had adequate resources. The government cooperated with the ombudsman. During the year the office received one anonymous complaint against a local government official for corruption.

#### Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, but there were allegations that these prohibitions were not always effectively enforced.

Although the law specifically prohibits discrimination involving entry to public or commercial establishments and sets fines from \$250 to \$1,000 (250 to 1000 balboas) for violations, many commercial establishments continued openly to operate a "right of admission" policy, discriminating against dark-skinned individuals of lower social status. Cases of discrimination were difficult to prove, with complicated, time-consuming, and costly legal remedies for victims.

#### Women

Domestic violence against women continued to be a serious problem. The Family Code criminalizes rape, spousal rape, and family violence, including psychological, physical, or sexual abuse, and provides prison terms of one to five years. Convictions for rape were rare, and statistics on convictions were not available. There were few convictions for domestic violence because victims generally chose spousal therapy over prosecution. Abusers were commonly convicted of unintentional killing in cases of spousal death. Between January and September the PTJ had registered 1,224 cases of domestic violence, 588 cases of rape, and 120 cases of attempted rape. The PTJ reported that it investigated every case it received during the year. Between January and December the DRPO reported that it had received 336 cases of domestic violence and one case of rape committed by officers. The DRPO dismissed the officer accused of rape.

Spouses or other family members frequently perpetrated domestic violence. The Foundation for the Promotion of Woman and the Center of Colon Women, among other women's advocacy groups and government agencies, operated programs to assist victims of abuse and to educate women on their legal rights.

Prostitution was legal and regulated, but there was no information available during the year on the extent to which it occurred.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment in cases of established employer/employee and teacher/student relations, and violators can receive one- to three-year prison sentences. The extent of the problem was difficult to determine because convictions for sexual harassment were rare, and pre-employment sexual harassment was not actionable. Due to the small number of cases brought before the courts, effectiveness of law enforcement could not be ascertained.

The law prohibits discrimination on the basis of gender, and women enjoy the same rights as men, including rights under the family law, the property law, and the judicial penal system. Although the law recognizes joint or common property in marriages, the government did not allocate sufficient resources to enforce the law effectively.

The law mandates equal pay for men and women in equivalent jobs, but in practice women on the average received wages that were 30 to 40 percent lower than those received by men. Although women constituted the majority of workers in many service jobs, they occupied only 40 percent of management and executive positions. There were some reports of irregular hiring practices based upon age and appearance.

The Ministry of Social Development, through the National Directorate of Women, promoted equality of women in the workplace and equal pay for equal work, attempted to reduce sexual harassment, and advocated legal reforms. A number of private women's rights groups disseminated information about the rights of women, countering domestic abuse, enhancing employment and other skills, and pressing for legal reforms.

## Children

The government was committed to children's rights and welfare. Education is compulsory through the ninth grade, and the law establishes free public education through high school. Children did not always attend school due to traditional attitudes, financial and economic constraints, lack of transportation, and scarcity of secondary schools. The problem was most extreme in Darien Province and among indigenous groups. According to the 2000 census, the most recent available, 65 percent of persons nationally between the ages of 15 and 19 had some schooling beyond the sixth grade. In the Embera and Ngobe-Bugle indigenous regions, however, only approximately 18 percent of persons ages 15 to 19 had schooling beyond the sixth grade.

Schools did not differentiate in their treatment between boys and girls. School attendance figures were identical for boys and girls through elementary school. Beginning at the junior high level, more girls attended schools than boys (130,000 versus 125,000).

The government furnished basic health care for boys and girls on an equal basis through local clinics run by the Ministry of Health, but clinics were difficult to reach from rural areas and often lacked medicine. Malnutrition and inadequate medical care were generalized problems and were most severe among rural indigenous groups. A central children's hospital in Panama City operated with government funds and private donations.

Through September the PTJ registered 505 cases of child abuse and neglect. Sexual abuse, including incest, accounted for 201 of these cases. Lack of reporting remained a problem, often because of parental involvement or complicity. Sexual abuse of children was reported in both urban and rural areas, as well as within indigenous communities.

The Ministry of Social Development received complaints regarding physical abuse of children. The ministry maintained a free phone line attended by psychologists and social workers for children to call to report abuses and implemented a television campaign encouraging its use. By June the ministry had received an average of 424 calls per day mainly related to neglect and physical and emotional abuse. Victims were directed to police authorities, hospitals, and protection centers for support.

Due to inadequate government resource allocations and training, family courts continued to render controversial decisions, including the return of children to abusive situations. The juvenile penal courts in Panama and Colon provinces reported 143 new cases against juveniles.

Gang recruitment of minors by young adults, especially in Panama City and San Miguelito, continued to increase, with recruiters focusing on procuring youth to engage in killing for hire. Police arrested and detained children for minor infractions during neighborhood sweeps.

At year's end charges were dismissed provisionally against three high-ranking police officers under investigation since 2005 for sexual abuse of minors in Darien Province (see section 1.d.).

Trafficking in children and child labor were problems (see sections 5, Trafficking, and 6.d.).

## Trafficking in Persons

Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country. The magnitude of the problem was difficult to determine because the country was a transit point for illegal economic migrants who were not forced into prostitution or debt bondage but who used similar smuggling routes. It was thought that women and children were trafficked during the year within the country for purposes of sexual exploitation, but there were no statistics available on numbers of persons actually trafficked within the country.

The Ministry of Government and Justice is responsible for developing policies to reduce trafficking in persons, and the Ministry of Social

Development has responsibility for protecting victims through shelters and related services. The PTJ Sex Crimes Unit is charged with investigating and arresting persons involved in trafficking.

The law criminalizes trafficking and pornography and proscribes the promotion of sex tourism and use of the Internet for soliciting victims for trafficking and sexual exploitation. Persons who engage in human trafficking for purposes of sexual activity can receive five to eight years in prison, or in the case of a minor, eight to 10 years. The law permits undercover operations and the monitoring of suspects' computers in sex crime cases. There were no convictions during the year of any individuals engaged in trafficking of persons.

The National Committee for the Prevention of Sexual Crimes (CONAPREDES) provided additional funding for combating trafficking and for victims' assistance.

There was evidence that rural children were trafficked internally to work as domestic servants in urban areas. The country also was a destination point for trafficked women. Colombia remained the primary country of origin for trafficked women. Although many Colombians came willingly to the country apparently intending to become prostitutes, anecdotal evidence suggested that some were forced to continue as prostitutes after they sought to end their involvement.

The country was a transit point for persons in prostitution from Colombia to other Central American countries and the United States. Although some of these women were assumed to be trafficking victims, the government could not verify numbers. Alien smuggling remained a widespread problem. Most aliens came from Ecuador, Peru, Colombia, China, and India. They transited the country by means of smuggling networks in route to the United States. Some were trafficked for debt bondage, including Chinese debt bondage in the country. The government's consular officers in Jamaica, Guatemala, and Mexico provided assistance to Panamanian trafficking victims in those countries.

The government allocated inadequate funding and resources to the PTJ Sex Crimes Unit. As of December the unit had investigated five cases of sexual trafficking, 24 cases of child pornography, 21 cases of procurement of persons for commercial sexual activities, four cases of sexual tourism, and eight cases of child molestation. The prosecutor's office initiated its own investigations. The government did not provide the prosecutor with adequate resources to conduct undercover investigations or to perform its other duties. The Public Ministry received three reported cases of trafficking in persons in Panama City. Information sharing between the government and other countries occurred, but it needed to be strengthened as did coordination among the PTJ Sex Crimes Unit, the PNP, and immigration authorities.

The PNP and the Immigration Department conducted raids every two to three months on bars and brothels, but lack of government funding limited undercover operations. There were no further developments in the case of a foreign national who owned a club with female dancers and was charged with procurement in May 2005, nor were there further developments regarding the May 2005 investigation by immigration authorities and the PTJ of a massage club where Colombian workers complained that the owners seized their passports.

In many of the cases investigated for possible trafficking violations, defendants alleged that the purported trafficking victim could not have been trafficked because that person entered the country as a visitor and then applied for an alternadora visa. The holder of an alternadora visa is legally permitted to engage in commercial sexual activities. During the year the Immigration Department reinstated the alternadora visa despite opposition from the attorney general's office.

Commercial sexual exploitation of minors continued to be a problem. Commercial sexual exploitation remained primarily an internal issue. Perpetrators, however, included foreigners, and there continued to be limited evidence of international trafficking networks of minors to or through the country.

The law does not hold trafficking victims criminally responsible for prostitution or immigration crimes. The law provides for indemnification of victims of trafficking, even if they return to their native country, and for costs of medical and psychological treatment, temporary housing, legal fees, and emotional suffering.

The Ministry of Social Development continued providing shelter and other services to victims of commercial sexual exploitation, using substitute families, its own shelter, and the shelter of an NGO it subsidized.

During the year the government worked with the International Labor Organization (ILO) on trafficking issues, including the production of 1,056 pamphlets on sexual exploitation and trafficking for distribution to public school educators. On August 31, the ILO and CONAPREDES held a workshop for media owners on awareness of trafficking issues and victim protection. Throughout the year the ILO and CONAPREDES conducted a media campaign on trafficking awareness including two television commercials and four posters.

NGO and government efforts in prevention and education remained limited by inadequate allocation of governmental resources and coordination problems.

#### Persons with Disabilities

The law prohibits discrimination based on physical or mental disability. While awareness of disability issues increased under the Torrijos administration, substantial discrimination continued against persons with disabilities in employment, education, access to health care, and in the provision of other state services. Most public schools did not have adequate facilities for children with special needs. The government took some steps, including installing ramps in schools and some mainstreaming of children with disabilities, to decrease discrimination. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. During the year approximately 175 public schools built ramps and admitted children with mental and physical disabilities. Children with severe disabilities were not included in the mainstreaming effort. Most public schools did not have adequate facilities for children with special needs. Private schools built ramps to comply with the law mandating access. Very few private schools, however,

admitted children with special needs. During the year the ombudsman's office received 22 complaints of violations of the rights of persons with disabilities.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) was responsible for protecting the rights of persons with disabilities. It coordinated and provided technical assistance to government and civil society efforts to decrease discrimination against and increase inclusion of persons with disabilities. The Council for the Social Integration of the Disabled supported SENADIS and consisted of members of civil society and several ministries. The Ministry of Education was responsible for educating and training minors over the age of four with disabilities, while the Ministry of Social Development provided training to children under four. Pursuant to a January commitment by several government agencies to fund rehabilitation centers, in July authorities opened two new centers for children with disabilities in Chiriqui and Veraguas provinces.

The Ministry of Labor was responsible for placing workers with disabilities in suitable jobs. Placement remained difficult due to employer reluctance to hire workers with disabilities despite a legal requirement that at least 2 percent of personnel be persons with disabilities. Persons with disabilities also tended to be paid less than employees without disabilities for performing the same job.

Panama City's building code requires that all new construction projects meant to serve the public shall be accessible to persons with disabilities, with fines for the public sector between \$100 and \$500 (between 100 and 500 balboas) for noncompliance. A national law with similar requirements for new construction projects generally was not enforced, and in some cases the ramps built did not comply with the minimum legally required lengths and widths. Some handicapped-designated parking spaces were not wide enough to allow for exit and entry of wheelchairs from vehicles. SENADIS began a campaign to increase voluntary compliance.

During the year the government began a project to train 800 low-income families with at least one member with disabilities to open microbusinesses. The government also inaugurated the remodeled facilities of the city's largest rehabilitation center at a cost of \$150,000 (150,000 balboas). The government also began disbursing one million dollars (one million balboas) in subsidies to 800 low-income parents of children with disabilities. The government donated rehabilitation equipment, including crutches, wheelchairs, and cerebral palsy chairs to persons with disabilities.

#### National/Racial/Ethnic Minorities

Minority groups generally have been integrated into mainstream society, but there remained problems with discrimination against blacks, indigenous people, and other ethnic communities. Discrimination against the country's newer immigrants, especially Chinese, sometimes was overt. There were an estimated 150 thousand to 200 thousand persons of Chinese descent. Cultural differences and language difficulties hindered many Chinese immigrants from fully integrating into mainstream society. Racial slurs directed at Asians continued to be used openly among the general population, and substantial numbers of first-generation resident Chinese frequently were subject to discrimination. Second- and third-generation Chinese were seen as distinct from recent immigrants and generally were accepted in society if they assimilated.

Along with the Chinese, Middle Eastern and Indian residents also continued to suffer from discriminatory treatment. All three groups often worked in the country's retail trade, particularly in urban areas. Immigrants were accorded fewer legal protections than citizens for their trade activities. A constitutional provision reserving retail trade for citizens of the country was not enforced generally. By law, however, immigrants are not permitted to own their businesses as sole proprietorships and sometimes encountered bureaucratic difficulties in practicing their professions.

Racism against blacks was generally subtle and often connected with admission or entry to restaurants, clubs, and other commercial establishments. Blacks comprised at least 14 percent of the population but were underrepresented in the highest positions of political and economic power. Many blacks remained clustered in the economically depressed province of Colon and poorer neighborhoods of Panama City.

The country's lighter-skinned elite discriminated against citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector.

Racial discrimination against various ethnic groups was evident in the workplace. In general lighter-skinned persons were represented disproportionately in management positions and jobs that required dealing with the public, such as bank tellers and receptionists.

#### Indigenous People

The law affords indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the government to provide bilingual literacy programs in indigenous communities. Indigenous persons, comprising approximately 9.5 percent of the population, have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. There were indigenous regions governed by tribal chiefs for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. The much smaller Bri-Bri and Naso communities, residing near the border with Costa Rica, did not have officially recognized indigenous regions.

The Ministry of Government and Justice maintained an Office of Indigenous Policy. Although federal law is the ultimate authority on indigenous reserves, local groups maintained considerable autonomy. The government recognized traditional Kuna marriage rites as the equivalent of a civil ceremony. Laws protect intellectual property rights of indigenous artwork and establish regulations for artisan fairs. Despite legal protection and formal equality, indigenous people generally had higher levels of poverty, disease, malnutrition, and illiteracy than the rest of the population. The poverty rate among the indigenous population was estimated at between 90 and 98 percent, depending

on the group.

With the exception of the Kuna Yala, whose leaders enforced their territorial boundaries and maintained their cultural integrity, indigenous groups had not succeeded in using their autonomy to preserve their culture or develop economic independence.

Because many indigenous persons did not have an adequate command of Spanish, they often misunderstood their rights and failed to employ legal channels when threatened. The government did not provide legal tribunals in indigenous areas and failed to attend to specific indigenous property and resource use rights problems. The Kuna of the Madugandi indigenous region complained of encroachment by settlers who were deforesting their lands. The Ngobe were under threat due to the isolation of their reserve, encroachment by settlers, and generalized poverty. The Embera-Wounaan struggled to protect their intellectual property rights concerning medicinal plants.

Social and employment discrimination against indigenous people was widespread. Employers frequently did not afford indigenous workers basic rights provided by the labor laws such as minimum wage, social security benefits, termination pay, and job security. Indigenous laborers in the country's sugar, coffee, and banana plantations continued to work under worse conditions than their nonindigenous counterparts. Indigenous migrant workers were unlikely to be provided with quality housing or food, and their children were much more likely to work long hours of heavy farm labor than nonindigenous children (see section 6.d.).

#### Other Societal Abuses and Discrimination

A law prohibiting homosexuality was not enforced. The March gay pride parade was headed by former Miss Universe Justine Pasek, who asked for tolerance. The NGO New Men and Women of Panama averred that employers discriminated against openly gay people.

The law prohibits discrimination against persons with HIV/AIDS in employment and education, but discrimination continued to be common due to ignorance of the law and of HIV/AIDS. The government provided treatment for HIV/AIDS in at least 80 percent of cases through the Ministry of Health and Social Security, but the government had problems maintaining retroviral medication in stock.

#### Section 6 Worker Rights

##### a. The Right of Association

The law recognizes the right of private sector workers to form and join unions of their choice, subject to the union's registration by the government. The law sets the minimum size of private sector unions at 40 workers and permits one union per establishment. Umbrella unions based on skill groups may also operate in the same establishment. The law provides that if the government does not respond to a registration application within 15 days, the union automatically gains recognition with all rights and privileges under the law. Union associations complained that such automatic registration did not function in practice. Employees of small companies may organize under a larger umbrella group of employees with similar skills and form a union as long as they number at least 40 persons. The law also allows labor leaders to keep their union positions if fired from their jobs.

There were no developments regarding the 2005 request by the ILO Committee of Experts that the government take measures to amend national legislation requiring a minimum of 50 public servants to establish a union.

By year's end there were no reliable statistics on the percent of the total labor force that was organized.

There were no developments during the year regarding demands by 270 dismissed public-sector electricity and telecommunications workers for compensation additional to the government's November 2005 payment of \$800,000 (800,000 balboas) to them resulting from a 2001 ruling of the Inter-American Court of Human Rights.

The government and political parties exercised political, ideological, or financial influence over some unions.

##### b. The Right to Organize and Bargain Collectively

The law provides all private sector and most public sector workers with the right to organize and bargain collectively, and private worker unions exercised this right widely. The law establishes a conciliation section in the Ministry of Labor to resolve private labor complaints and provides a procedure for mediation.

Public workers had an association consisting of 21 public worker associations, but this association did not strike or negotiate collective bargaining agreements because only approximately 14.5 percent of government workers were protected from arbitrary dismissal as certified career employees. During the year the ombudsman's office reported that it had received 214 complaints of alleged unjustified dismissal from public employees. The law grants some public employees a limited right to strike, except for those in areas vital to public welfare and security such as police and health workers. At least 25 percent of the workforce must continue to work to provide minimum service in the case of administrative workers, and 50 percent of workers providing "essential public services," such as transportation, firefighting, telecommunications, and mail, must continue to provide those services. There was no information regarding whether the government had responded to the ILO Committee of Experts 2005 comments that inclusion of transport workers under the law regarding limitation on strikes in essential services sectors went beyond essential services in the strict sense of the term.

The law prohibits federations and confederations from calling strikes. There were no developments regarding the request by the ILO

Committee of Experts in 2005 that legislation be amended to permit federations and confederations to enjoy the right to strike.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,000 employees but does allow unions to organize and to bargain collectively on such issues as hours and safety and provides for arbitration to resolve disputes.

Employers in the retail industry commonly hired temporary workers to circumvent labor code requirements for permanent workers. In lower-skilled service jobs, employers often hired employees under three-month contracts for several years, sometimes sending such employees home for a month, and later rehired them. Employers also circumvented the law requiring a two-week notice for discharges by dismissing some workers one week before a holiday. Due to labor laws that made it difficult to fire employees who had worked two years or more, it was not uncommon to hire workers for one year and 11 months and subsequently lay them off.

Employers increasingly negotiated directly with unorganized workers before unions formed or had a majority presence in the workplace. According to data from the Ministry of Labor, since 1990 approximately 645 of 998 collective agreements were negotiated directly between employers and workers.

Unions and collective bargaining are permitted in export processing zones (EPZs). There was no information regarding any response by the government to the ILO Committee of Experts 2005 request that the government confirm whether workers in EPZs have the right to strike. A strike is considered legal only after 35 workdays of conciliation are exhausted; otherwise, striking workers can be fined or fired. The law regarding EPZs does not mention arbitration or specify procedures to resolve labor disputes in the courts.

The same labor laws governing EPZs apply to call centers. There were approximately 945 employees in the country's 13 EPZs and up to 10,000 employees in 34 call centers. Minimum wage provisions apply in the EPZs and call centers, and wages were generally higher in the call centers than in the economy as a whole. In the EPZs, workers could agree to take the law's compulsory Sunday rest period on another day and to receive overtime compensation based on a straight 25 percent differential, compared to a complex and costlier system under the Labor Code.

The law establishing the special economic area in the former Howard Air Force Base contains provisions intended to facilitate greater labor flexibility along the lines of the minimum wage and required rest day provisions employed in the EPZs. Workers in this special economic area have the right to strike, organize, and engage in collective bargaining.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by adults and children, and there were no reports that such practices occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law contains provisions to prevent exploitation of children in the workplace. The Ministry of Labor has responsibility for enforcement. Although the government allocated inadequate staffing and funding, the ministry was reasonably effective in enforcing the law regarding child labor in the formal sector. As of December the ministry had performed 369 inspections of businesses in Panama City to ensure compliance with child labor regulations, as well as 139 inspections in the interior of the country. Child labor in agriculture and in the informal sector of the economy, however, remained a problem.

On June 12, the government issued a decree identifying the worst forms of child labor in the country, and proscribing child labor involving inherently dangerous activities, including work performed underground, using dangerous chemicals, using heavy machinery, as well as work involving construction, selling alcoholic beverages, garbage collection, and domestic service in homes.

The law prohibits the employment of children under 14 years of age, with the exception that children age 12 and over are permitted to perform light farm work for up to six hours per day that does not interfere with their school hours. The law prohibits the employment of children under age 15 if the child has not completed primary school. Child labor was a problem in some provinces and some economic sectors.

Children under age 18 legally cannot work more than six hours per day and cannot work at night. The law includes a prohibition on employment of minors under the age of 18 in hazardous labor. The Ministry of Labor enforced these provisions in response to complaints and could order the termination of unauthorized employment. The government acknowledged that it was unable to enforce some child labor provisions in rural areas, and it conducted only limited inspections due to insufficient staff (see section 6.e.).

Child labor violations occurred most frequently in rural areas, in both subsistence and commercial agriculture, especially during the harvest of sugar cane, coffee, palm, melons, and tomatoes. Farm owners often paid according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. Unlike last year, there were no credible reports that child labor continued in the commercial banana sector.

The problem of child labor in agricultural areas fell most heavily on indigenous families, who often migrated out of their isolated reserves in search of paid work (see section 5). These frequent migrations interrupted schooling.

Child domestic labor was a problem. According to the 2000 census, more than 6,000 children between the ages of 10 and 17 worked as domestic servants. Government enforcement of domestic labor violations was traditionally weak because the place of work was a private residence.

Many children continued to work in the informal sector of the economy as street vendors, shoe shiners, car window washers, grocery baggers in supermarkets, trash pickers, or beggars. A 2005 ILO survey, the most recent available, estimated that 52,000 children between the ages of five and 17 worked in the informal sector. The government estimated that there were 15,000 children employed or working on their own informally in urban areas. Approximately 45 percent of these children did not attend school.

The government, the ILO, and the NGO Casa Esperanza funded a campaign of television commercials and advertising to stop child labor. Casa Esperanza operated 56 centers throughout the country to reduce child labor, and through its DESTINO project it operated 41 educational centers for children and youth.

#### e. Acceptable Conditions of Work

The law establishes minimum wage rates for specific regions and for most categories of labor, excluding public sector workers. The minimum wage ranged from \$0.89 (0.89 balboas) to \$1.68 (1.68 balboas) per hour, depending on the region and sector. This wage did not provide a decent standard of living for a worker and family. The estimated annual poverty income level was \$953 (953 balboas), which was below the minimum wage level. Most workers formally employed in urban areas earned the minimum wage or more. Approximately 40 percent of the population, however, worked in the large informal sector and earned far below the minimum wage. This was particularly the case in most rural areas, where unskilled laborers earned from three to six dollars (three to six balboas) per day without benefits. The government did not enforce labor laws in most rural areas.

The law establishes a standard workweek of 48 hours; provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits excessive or compulsory overtime. The Ministry of Labor generally enforced these standards in the formal sector.

The Ministry of Labor is responsible for setting and enforcing health and safety standards and generally did so. As of December the Ministry of Labor had conducted 2,179 workplace inspections in Panama City and 5,331 inspections in the interior to verify compliance with labor laws.

Although inspectors from the Ministry of Labor and the occupational health section of the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints, the government failed to enforce adequately health and safety standards. Construction workers and their employers were lax about conforming to basic safety measures. Workers have the right to remove themselves from situations that present an immediate health or safety hazard without jeopardizing their employment. They generally were not allowed to do so if the threat was not immediate but could request a health and safety inspection to determine the extent and nature of the hazard.